

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementing Public Safety Broadband Provisions)	PS Docket No. 12-94
of the Middle Class Tax Relief and Job Creation)	
Act of 2012)	
)	
Implementing a Nationwide, Broadband,)	PS Docket No. 06-229
Interoperable Public Safety Network in the 700)	
MHz Band)	
)	
Service Rules for the 698-746, 747-762 and 777-)	WT Docket No. 06-150
792 MHz Bands)	

REPLY COMMENTS OF THE UTILITIES TELECOM COUNCIL

The Utilities Telecom Council (UTC) hereby files these reply comments in response to the FCC's *Notice of Proposed Rulemaking* in the above-referenced proceeding.¹ UTC supports the comments on the record that support the need for milestones to encourage rural build-out. The Commission has implemented build-out requirements in other contexts to ensure that the public is served by the licensees of services in a given area. Similarly, the Commission may require build-out requirements in the context of the license that is held by FirstNet or a state that opts-out from FirstNet. UTC agrees with comments that the Commission may rely on reports filed by FirstNet when evaluating the renewal of its license. Moreover, it agrees with these and other comments that recognize that there are justified concerns about rural coverage (e.g. insufficient funding), such that clear standards for license renewal may be necessary to encourage rural deployment by FirstNet. Finally, UTC agrees with comments that rural coverage can be accomplished cost effectively by leveraging existing infrastructure in rural

¹ Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012, *Notice of Proposed Rulemaking*, PS Docket No. 12-94; WT Docket No. 06-150; PS Docket No. 06-229, 28 FCC Rcd. 2715 (2013)(hereinafter *NPRM*).

areas, including infrastructure that is owned or controlled by utilities and critical infrastructure industries (CII). In that regard, the Commission should consider modifying its rules to promote sharing infrastructure and spectrum to accelerate the deployment of the public safety broadband network, including in rural areas that may otherwise go unserved.

I. The Commission Should Establish Clear Standards for Renewal of FirstNet's License.

UTC supports the comments by Motorola² and NRECA/NTCA³, which urge the Commission to promote rural deployment of the 700 MHz PSBN through the license renewal process. Motorola and NRECA/NTCA observe that there are concerns that the 700 MHz PSBN may not be deployed in rural areas, due to cost concerns and the influence of partnerships with nationwide carriers.⁴ As Motorola explains, “In light of the uncertainty that FirstNet faces regarding funding, the Commission should establish tentative renewal standards for FirstNet tied to construction milestones, and commit to periodically reevaluating the benchmarks for feasibility.”⁵ As Motorola also explains, the Commission has the authority to adopt such milestones as part of its license renewal and it could refer to previously adopted milestones for application in the present context with regard to FirstNet.⁶

UTC agrees with the underlying reasoning and the approach recommended by Motorola and NRECA/NTCA. UTC agrees that FirstNet may not be deployed in rural areas – at least not

² Comments of Motorola Solutions, Inc. in PS Docket No. 12-94 at 13-16 (filed May 24, 2013) (hereinafter Comments of Motorola).

³ Comments of the National Rural Electric Cooperative Association and NTCA-The Rural Broadband Association in PS Docket No. 12-94 at 2-5 (filed May 24, 2013).

⁴ See e.g. Comments of NRECA/NTCA at 3-4 (stating that “large nationwide operators typically focus capital investments on urban areas with concentrated population centers, while licensed spectrum in rural areas lies fallow.”)

⁵ Comments of Motorola at 14.

⁶ *Id.*

to the same extent – as in urban areas, particularly to the extent that FirstNet relies predominately on infrastructure from nationwide commercial wireless providers. It is widely agreed that the PSBN is significantly underfunded, particularly in the near term when incentive auction funds are unavailable and uncertain. Therefore, UTC agrees with Motorola and NRECA/NTCA that the Commission should consider encouraging rural deployment by adopting milestones that could be used to review FirstNet’s license renewal.

For all of these reasons, UTC urges the Commission to adopt milestones for the license renewal of FirstNet in order to promote rural deployment.

Respectfully submitted,

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